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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,890	06/30/2003	Eric I. Horvitz	MS302415.1 / MSFTP461US	8390
27195 7590 01/11/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER SAX, STEVEN PAUL	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/609,890

Applicant(s)

HORVITZ ET AL.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
4a) Of the above claim(s) 22-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 44-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-21, drawn to a data presentation system for previewing, classified in class 715, subclass 730.
 - II. Claims 23-27, drawn to a method and system for facilitating information to determine parameters, classified in class 715, subclass 526.
 - III. Claims 28-43, drawn to a graphical user interface for displaying portions along an axis for interaction, classified in class 715, subclass 765.
 - IV. Claims 44-54, drawn to a task management system, classified in class 718, subclass 100.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II and III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as analyzing information to determine parameter. Subcombination III has a separate utility such as displaying components along an axis. Subcombination IV has a separate utility such as task management. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

Art Unit: 2174

because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Amin on 1/4/07 a provisional election was made with traverse to prosecute the invention of I, claims 1-21, 44-54. Affirmation of this election must be made by applicant in replying to this Office action. Claims 22-43 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Newell et al (2003/0219226).

10. Regarding claim 1, Newell et al show: a data presentation system (abstract), comprising:

a decomposition component that automatically segregates at least one information item into a collection of subcomponents relating to the item (Figures 1A-B, para 9, para 19, para 28); and

an interface component to render the subcomponents in a graphical mariner to facilitate user processing and interaction with the information item (Figure 2, para 22, 23).

11. Regarding claim 2, the interface component renders rich previews of files, and/or other digitally stored items, in the form of interactive graphical representations of computational items or files (Figure 4, para 26, 27).

12. Regarding claim 3, the decomposition component analyzes properties of the item including at least one of a type of the item, an item structure, an item content, and item metadata about the history of interaction with the item (para 29).

13. Regarding claim 4, the interface component provides interactive

Art Unit: 2174

representations allowing users to inspect, probe, and navigate among the subcomponents of the items at a focus of attention before launching a full application (para 31, 33, 38).

14. Regarding claim 5, the interface component employs interactive graphics to expand the subcomponents into cognitive chunks to be processed by users (para 38).

15. Regarding claim 6, the interface component includes a preview display enabling users to inspect sets of items, such as text applications, projects, tasks, presentation or graphics applications, and email documents (para 47).

16. Regarding claim 7, the decomposition component is applied to rich previewing within applications as a process for inspecting and navigating among components of an item being extended or refined (para 38, 47).

11. Regarding claim 8, the interface component renders data, files, or documents along a 2 or 3 dimensional axis as an icon or display object corresponding to a parameter of the item represented (being in alternative form, this claim is satisfied by a 2 dimensional grid with display object. This is in Newell et al Figures 1A-B).

12. Regarding claim 9, the interface component enables a user to move a cursor

along the axis having a preview pane that displays pages corresponding with particular point(s) on the axis (para 34, 36).

13. Regarding claim 10, the interface component enables a user to open an item at a selected location of interest (para 34, 36, 41).

14. Regarding claim 11, the interface component displays the subcomponents having a depth display that is indicative of file size or other predetermined metric (para 39, 40, 41).

15. Regarding claim 12, the interface component includes features to enable hover, dwell, and clicking commands, providing options to zoom in, or change configurations of a visualization in accordance with a user's intentions or inferences to see or inspect more closely (para 28, 30).

16. Regarding claim 13, the interface component includes various dimensions, shapes, user controls, sizing, groupings, content renderings, colors, sounds, images, and other utilities for interacting with the subcomponents of the item (para 28, 30).

17. Regarding claim 14, the interface component enables a user to observe a last page that was edited (para 43, 44).

Art Unit: 2174

18. Regarding claim 15, note a development environment allowing third parties to design and test different preview variants for use in a more general operating system platform (see para 44-45 and 50).

19. Regarding claim 16, note a set of preference controls that change by type of the item, preview visualizations and access behaviors associated therewith (para 45, 49, 50).

20. Regarding claim 17, the interface component and the decomposition component can be coupled with an offline or real-time analysis using principles of continual computation, and provide caching of rendered results so as to minimize latencies in real time (para 48, 49, and 50).

21. Claim 21 shows the same features as claim 1 and is rejected for the same reasons.

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al (2003/0219226) and Card et al (2005/0005246).

24. Regarding claim 18, in addition to that mentioned for claim 1, Newell et al do not go into the details of the three dimensional isometric set of pages, but do mention convenient navigation techniques in an interface. Furthermore, Card et al do show a three dimensional isometric set of pages, for convenient navigation techniques in an interface (abstract, Figures 5B, 8, 11, 19, para 77, 92-94). It would have been obvious to a person with ordinary skill in the art to have this in Newell et al, because it would be a convenient navigation technique in an interface.

25. Regarding claim 19, the pages are pulled from a stack of page subcomponents (see para 78 in Card et al). As mentioned in paragraph 24 of this Office Action, Newell et al do not show the set of pages in the three dimensional form, but it would have been obvious to a person with ordinary skill in the art to have this in Newell et al, with the subcomponents in Newell et al thus now being pages, in that it would be a convenient way to navigate subcomponents in an interface.

26. Regarding claim 20, note the highlighting in the subcomponents of Newell et al (para 26, 28, 30). The reasons for obviousness that these subcomponents are pages is the same as that mentioned in paragraph 25 of this Office Action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVEN SAX
PRIMARY EXAMINER